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**JAN 17 2001**

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January 16, 2001

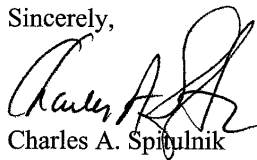
Honorable Vernon A. Williams  
Office of the Secretary  
Case Control Unit  
Attn: STB Ex Parte No. 582  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, D.C. 20423-0001

Re: *Major Rail Consolidation Procedures*  
Ex Parte 582 (Sub-No. 1)

Dear Sir:

I am enclosing an original and twenty-five (25) copies of the Motion of Maryland Department of Transportation For Leave To File Rebuttal Comments Out Of Time and the Rebuttal Comments of the Maryland Department of Transportation in the above-referenced proceeding. An additional copy is enclosed for date-stamp and return to our messenger. Please note that a copy of this filing is also enclosed on a 3.5 inch diskette in WordPerfect format.

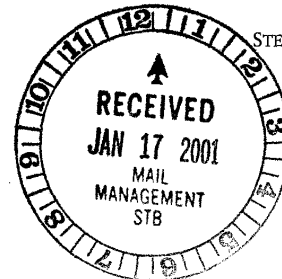
Sincerely,



Charles A. Spitulnik

Enclosure

cc: Julia M. Farr, Esquire  
Surface Transportation Board



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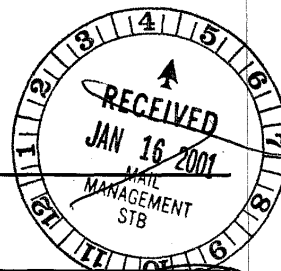
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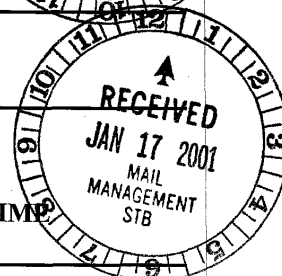
Before the  
SURFACE TRANSPORTATION BOARD  
Washington, D.C. 20423

Ex Parte 582 (Sub-No.1)



**MAJOR RAIL CONSOLIDATION PROCEDURES**

**MOTION OF  
MARYLAND DEPARTMENT OF TRANSPORTATION  
FOR LEAVE TO FILE REBUTTAL COMMENTS OUT OF TIME**



The Maryland Department of Transportation ("MDOT") hereby moves this Board pursuant to 49 C.F.R. §§1104.7(b) and 1117.1 for an extension of the time for filing Rebuttal Comments, or in the alternative, for leave to file such comments, time for filing having otherwise expired, in the above-referenced proceeding. Good cause exists for granting the motion, and neither this Board nor any party will be prejudiced by granting the Motion. In anticipation of a favorable ruling on this Motion, a copy of the Rebuttal Comments of the Maryland Department of Transportation are attached to this Motion for filing today.

The Notice of Proposed Rulemaking issued in this proceeding on October 3, 2000 ("NPRM") established a schedule for filing comments, replies and rebuttal. Comments were due on November 17, 2000, Reply Comments were due on December 18, 2000, and Rebuttal comments were due on January 11, 2001. MDOT filed an individual statement on November 18, and the Maryland Mass Transit Administration on behalf of MARC Rail Service (one of the units of MDOT) filed another statement jointly with the Southern California Regional Rail Authority on that day. MDOT filed Reply Comments on December 18. Undersigned counsel for MDOT received other parties' Reply Comments near the due date, though many were

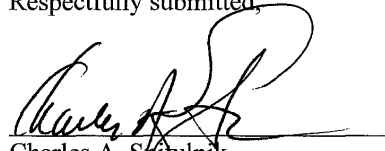
received late due to other parties' continued transmittal of those Replies to counsel's prior address.<sup>1</sup> However, counsel was prevented by a family medical situation from turning attention immediately to reviewing and preparing rebuttal to the numerous Reply Comments served on December 18.

Neither any other party nor this Board will be prejudiced by the acceptance of these Rebuttal Comments. They are filed today, only three business days after the scheduled due date. They do not broaden in any way the issues presented in this proceeding, focusing instead on correcting misstatements of fact or mischaracterizations of MDOT's previously articulated positions in this proceeding. Indeed, not only will the issues not be broadened, accepting MDOT's Rebuttal Comments will ensure the development of a complete and accurate record in this proceeding.

WHEREFORE, and in view of all of the foregoing, MDOT respectfully requests the Board to grant its Motion for an extension of the time for filing Rebuttal Comments, or in the alternative, for leave to file such comments, time for filing having otherwise expired.

Dated: January 16, 2001

Respectfully submitted,



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Washington, D.C. 20001  
(202) 842-2345  
Counsel for the Maryland  
Department of Transportation

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<sup>1</sup> Counsel filed a Notice of Change of Address in Ex Parte 582 on August 7, 2000, and has submitted other pleadings in this proceeding showing the correct address since that time.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 16<sup>th</sup> day of January, 2001, a copy of the Motion of Maryland Department of Transportation For Leave To File Rebuttal Comments Out Of Time was served by first class mail, postage pre-paid upon all Parties of Record.

Charles A. Spitulnik  
Charles A. Spitulnik